

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

TARA CHAPMAN,	:	APPEAL NO. C-160308
	:	TRIAL NO. DR-1401928
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
CHRISTOPHER W. CHAPMAN,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Christopher W. Chapman has appealed from the trial court's entry granting a decree of divorce to plaintiff-appellee Tara Chapman ("Tara") and designating Tara as the sole residential and legal custodian of the parties' minor children.

In two assignments of error, Chapman argues that the trial court abused its discretion when it found that Tara did not have a mental-health problem, and that the trial court abused its discretion when it found that Tara would facilitate visitation and companionship rights between the parties. Chapman has not assigned as error the trial court's designation of Tara as the children's sole residential and legal custodian, but his assignments of error challenge two particular best-interest factors that the trial court considered pursuant to R.C. 3109.04(F)(1) when awarding

custody to Tara. He argues in his conclusion that he should be awarded custody based on the trial court's abuse of discretion in considering these factors.

R.C. 3109.04(B)(1) provides that, when allocating parental rights and responsibilities, the trial court shall consider the best interests of the children. R.C. 3109.04(F)(1) provides relevant factors for the trial court to consider when making a best-interest determination. We review a trial court's best-interest determination for an abuse of discretion. *In re D.M.*, 1st Dist. Hamilton No. C-140648, 2015-Ohio-3853, ¶ 11. A trial court abuses its discretion if its determination regarding the best interests of the children is not supported by competent, credible evidence. *Id.*

We first consider whether competent, credible evidence supported the trial court's determination that Tara did not have a mental-health problem that would impede her ability to care for the children. At the custody hearing, Tara presented testimony from clinical psychologist Dr. Jacqueline Kinard. Dr. Kinard had administered the Millon Clinical Multiaxial psychological inventory to both Tara and Chapman to determine if there were any outstanding issues that would be of psychological concern. Dr. Kinard's report noted that Tara's responses to the test "suggest an effort to present a socially acceptable front and resistance to admitting personal shortcomings. She appears to exhibit psychological difficulty of mild to moderate severity. Possible characteristics are of an obsessive compulsive type with narcissistic features." The test indicated similar results for Chapman, as Dr. Kinard's report stated that his responses also suggested an effort to present a socially acceptable front and that "[h]e is likely experiencing mild to moderate dysfunction. He fits the classification of Narcissistic Personality with Histrionic and Obsessive Compulsive traits." Dr. Kinard testified that, while both parties have personalities with some obsessive components and some narcissistic behavior, the results of the

tests indicated that neither party had any severely elevated scores in any area that would cause concern.

Chapman introduced testimony from social worker Kimberly Kent, who had interviewed the parties and issued a parenting report. Kent's report indicated that Tara had a tendency to exaggerate and exhibit paranoid thinking. In accordance with her report, Kent testified that Tara had mental-health issues. Kent recommended that Chapman receive full custody of the children, and that Tara's parenting time be contingent on her obtaining a psychological assessment and following all recommendations from that assessment.

Although Dr. Kinard and Kent offered conflicting testimony on Tara's mental health, it is clear from the trial court's determination that it was persuaded by Dr. Kinard's testimony. That testimony provided competent, credible evidence to support the trial court's determination that Tara did not have a mental-health problem that would impede her ability to care for the children. *See In re D.M.*, 1st Dist. Hamilton No. C-140648, 2015-Ohio-3853, at ¶ 11.

We now consider the trial court's determination that Tara would honor and facilitate Chapman's visitation and companionship rights. Tara and Chapman both testified that they would abide by any visitation order issued by the court if they received custody of the children. Tara further testified that, during the pendency of these proceedings, she had offered additional visitation time to Chapman beyond that required by the court's interim order and had kept Chapman informed about the children's activities and medical conditions and appointments. Chapman acknowledged that Tara had offered him additional visitation, and he did not claim that she had interfered with his visitation while the custody proceedings were

pending. He did, however, testify as to other incidents that would indicate less than full cooperation from Tara.

Although Kent testified that she did not believe that Tara would facilitate visitation, based upon our review of the record, there was competent, credible evidence from which the trial court could determine that Tara would, in fact, facilitate and honor any court-ordered visitation with Chapman. *See id.*

Consequently, we hold that the trial court did not abuse its discretion in determining that Tara's mental health would not impede her ability to care for the children and that the facilitation of visitation and companionship rights between the parties was not an issue. Chapman's first and second assignments of error are overruled, and the judgment of the trial court is affirmed.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

CUNNINGHAM, P.J., MYERS and DETERS, JJ.

To the clerk:

Enter upon the journal of the court on March 31, 2017
per order of the court _____.
Presiding Judge